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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,142	09/24/2003	Amit Singhal	0026-0047	2802
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HARRITY & HARRITY, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030			EXAMINER	
			PYO, MONICA M	
			ART UNIT	PAPER NUMBER
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			12/11/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,142	<b>Applicant(s)</b> SINGHAL ET AL.
	<b>Examiner</b> MONICA M. PYO	<b>Art Unit</b> 2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 August 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-11 and 46-51 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-11 and 46-51 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/95/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed 8/29/2008.
2. Claims 1, 3-11 and 46-51 are currently pending in this application. Claims 1, 9-11 are independent claims. In the Amendment filed 8/29/2008, claims 1, 3-11 are amended, claim 2 is canceled and claims 46-51 are newly added. This action is made Final.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-11 and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0027670 by Petropoulos (hereinafter Petropoulos) in view of U.S. Patent No. 6,401,118 issued to Thomas (hereinafter Thomas).

Regarding Claims 1, 9 and 11, Petropoulos discloses a computer-implemented method, comprising:

- A) receiving a query that includes one or more terms, as an initial query to search <i.e., jazz music> (Petropoulos: pg. 2, [0021]);
- B) determining whether the query is a commercial query or a commercial query by, as the query is determined to be focused on either educational <i.e., non-commercial> research or to purchase of goods or services <i.e., commercial> (Petropoulos: pg. 5, [0071]):

**determining whether the one or more terms of the query, (Petropoulos: pgs. 4-5, [0071 & 0080]), and**

**identifying the query as a commercial query when the one or more terms of the query, (Petropoulos: pgs. 4-5, [0071 & 0080]);**

**C) processing the query in a first manner when the query is not determined to be a commercial query, where processing the query in a first manner includes ranking documents in a first manner, as the search server searches for a document and ranks the search results (Petropoulos: pg. 4, [0063-0067]); and**

**D) processing the query in a second, different manner in response to determining that the query is a commercial query, where processing the query in a second manner includes ranking documents in a second, different manner, as the commercial server collects conversion data describing the conversion (Petropoulos: pg. 1, [0005]; pg. 2, [0021-0022]).**

Although Petropoulos does not explicitly disclose the feature of matching the query in the list of commercial query patterns and the order of match, such feature is well known as disclosed in Thomas (Thomas: col. 13, lns. 58-col. 14, lns. 11; col. 16, lns. 55-65) and it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the teachings of Thomas in the system of Petropoulos in view of improving the efficiency of the searching system.

Regarding claims 3 and 46, Petropoulos and Thomas disclose the method where the determining whether the query is a commercial query further includes:

determining, when the one or more terms of the query is not included in the list of commercial query patterns, whether the one or more terms of the query relates to at least one commercial query pattern in the list of commercial query patterns (Petropoulos: [0071, 0078 & 0080]) and (Thomas: col. 13, Ins. 58-col. 14, Ins. 11);

identifying the query as a commercial query when the one or more terms of the query relates to at least one commercial query pattern in the list of commercial query patterns (Petropoulos: [0071 & 0078]) and (Thomas: col. 13, Ins. 58-col. 14, Ins. 11), and

identifying the query as not being a commercial query when the one or more terms of the query is unrelated to the list of commercial query patterns (Petropoulos: [0071 & 0080]) and (Thomas: col. 13, Ins. 58-col. 14, Ins. 11).

Regarding claim 4 and 47, Petropoulos and Thomas disclose the method where the determining whether the query relates to at least one commercial query pattern in the list of commercial query patterns includes:

determining whether the one or more terms of the query relates to at least one commercial query pattern based at least in part on at least one of whether a stem word of the one or more terms of the query matches a stem word of a commercial query pattern in the list, or whether a synonym of the one or more terms of the query matches a commercial query pattern in the list (Petropoulos: [0071]) and (Thomas: col. 13, Ins. 58-col. 14, Ins. 11).

Regarding claim 5, Petropoulos and Thomas disclose the method where the processing the query in a first manner includes:

retrieving one or more documents relating to the query (Petropoulos: pg. 5, [0071, 0077]); and

scoring the one or more documents based at least in part on a first set of criteria (Petropoulos: pg. 5, [0076 & 0078]).

Regarding claim 6, Petropoulos and Thomas discloses the method where the processing the query in a second, different manner includes:

retrieving the one or more documents relating to the query (Petropoulos: [0071 & 0077]), and

scoring the one or more documents based at least in part on a second, different set of criteria (Petropoulos: pg. 5, [0076 & 0078]).

Regarding claim 7 and 50, Petropoulos and Thomas disclose the method where the determining whether the query is a commercial query includes:

determining whether the query is a commercial query or a non-commercial query based at least in part on one or more attributes of documents that match the query (Petropoulos: [0071]).

Regarding claim 8 and 51, Petropoulos and Thomas discloses the method where the determining whether the query is a commercial query includes:

determining whether the query is a commercial query or a non-commercial query based at least in part on user-supplied data regarding the query or documents that match the query (Petropoulos: [0071, 0080 & 0081]).

Regarding claim 10, this claim is also rejected based upon the same reasoning as claims 1, 9 and 11. Additionally, Petropoulos discloses:

**A).** **a memory to store instructions**, as a machine-readable medium/media with operating system software executing in memory (Petropoulos: pg. 6, [0084]); **and**

Regarding claim 48, Petropoulos and Thomas disclose the server where the processor is further configured to execute the instructions to:

retrieve one or more documents relating to the query (Petropoulos: pg. 5, [0071, 0077]), and

score the one or more documents based at least in part on a first set of criteria when the query is not identified as commercial (Petropoulos: pg. 4, [0063-0067]; pg. 5, [0076 & 0078]).

Regarding claim 49, Petropoulos and Thomas disclose the server where the processor is further configured to execute the instructions to:

retrieve one or more documents relating to the query (Petropoulos: pg. 5, [0071, 0077]), and

score the one or more documents based at least in part on a second, different set of criteria when the query is identified as commercial (Petropoulos: pg. 1, [0005]; pg. 2, [0021-0022]; pg. 5, [0076 & 0078]).

*Response to Arguments*

5. Applicant's arguments with respect to claims 1, 3-11 and 46-51 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA M. PYO whose telephone number is (571)272-8192. The examiner can normally be reached on Mon & Thur 7:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica M Pyo  
Examiner  
Art Unit 2161

*mpyo*  
12/2008

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Supervisory Patent Examiner, Art Unit 2161